[Mr. Chairman] [30th August 1961

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 and 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU: Sir, I move—

"That the Madras Tenants and Ryots Protection (Amendment) Bill, 1961 (L.A. Bill No. 29 of 1961), as passed by the Assembly, be passed."

MR. CHAIRMAN: The question is—

"That the Madras Tenants and Ryots Protection (Amendment) Bill, 1961 (L.A. Bill No. 29 of 1961), as passed by the Assembly, be passed."

The motion was put and carried and the Bill was passed.

(3) THE MADRAS CULTIVATING TENANTS PROTECTION (AMENDMENT) BILL, 1961 (L.A. BILL NO. 30 OF 1961).

3-50 p.m. *THE HON. SRI M. A. MANICKAVELU: Mr. Chairman, Sir, I move—

"That the Madras Cultivating Tenants' Protection (Amendment) Bill, 1961 (L.A. Bill No. 30 of 1961), as passed by the Assembly, be taken into consideration."

Sir, the Madras Cultivating Tenants' Protection Act, 1955, was last extended to be in force up to and inclusive of 26th September 1961. The object of the Act is to protect the interests of the cultivating tenants in the State pending introduction of comprehensive land reform. As it will take some more time for ceiling to be imposed on land holdings and revision of the tenancy laws suitably, the Government consider that the life of the Act should be extended for a further period of two years from the 27th September 1961. The Bill accordingly provides for the extension of the life of the Act up to and inclusive of the 26th September 1963.

I think I am on better grounds so far as this Bill is concerned. The reason is that in our State we have taken very elaborate steps to see that we make the Bill as foolproof and safe against legal assault as possible. Thanks to the presence of the Supreme Court gentleman and other legal luminaries in the Select Committee, the Bill on land ceiling has been properly shaped. We also made a very elaborate enquiry, taking evidence from many persons and organizations. We have thoroughly gone through the whole thing and whatever legal drawbacks there were, they have all been set right. Therefore, Members may not feel sorry even though we may have taken some time over it. We have made very good

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* Printed as Appendix V on page 336 infra.

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changes and important changes. So, under these circumstances, I hope I may not come in for strong criticisms in respect of this Bill.

MR. CHAIRMAN : Motion moved—

"That the Madras Cultivating Tenants Protection (Amendment) Bill, 1961 (L.A. Bill No. 30 of 1961), as passed by the Assembly, be taken into consideration."

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, in regard to the extension of the provision of the Act for two more years, I wish only to bring to the notice of the Government some of the difficulties that have been experienced in the working of the Act. It would have been better if the Government had called for a report from the Revenue Department about the difficulties in the working of the Act and taken action to amend the provisions with a view to setting right the difficulties. It is not easy now to give amendments to the original Act. Therefore it is I have not given notice of any amendments. Anyhow, I would like to point out one or two difficulties experienced in the working of the Act.

The Act came into force on the 27th September 1955 or so. I do not remember the date. At that time, there were pending contracts with the tenants, and the agricultural year began from the end of June. Therefore, the particular terms which obtained at the time the Act came into force were continued according to section 3 of the Act. According to the terms of the lease, the particular kind of crop was rice. But actually what happened was, in many places in Tiruchirappalli, the tenants cultivated sugarcane, plantains, casuarina and betel leaves in those particular lands. And the terms have not been altered because they cannot be altered according to the section in the Act. The terms which were there on the 27th September 1955, shall be continued and whoever is in possession, the tenants should apply the same contract. Of course, if the tenants apply for a fair rent, it could be gone into. Otherwise, nothing can be done. Therefore, difficulty arose when tenants grew these cash crops and got larger income but paid no rent for that increased return. I am not blaming the party for that. When there is an Act, they are entitled to take advantage of it and act accordingly. This is a difficulty which has arisen on account of the working of the Act. Then, as regards lease deeds, they have to be executed in triplicate and if they are not executed, there is no penalty. The landlord can only complain. I am only referring to the difficulties experienced both by the landlords and the tenants. I am not siding with the landlord or the tenants.

Again, the most important thing is the question of sharing the produce as laid down in section 7 of the Fair Rent Act. That section speaks of sharing the produce on the thrashing floor. But if the tenant removes the crop, there is no provision under the rules to recover it from him. If the landlord were to interfere, of

course, he may get a good thrashing. But that is a different matter. Though the Act speaks of a fixed fair rent to the landlords, especially the small holders and those who are not in the place get no share in the crop. This is the difficulty in regard to sharing of the crop. Of course, there may be a deputation or demonstration before the Chairman or the House and then the Government may take this up for consideration. But, unfortunately, these are very small people living far away from Madras and having 3 or 4 acres of land. It is on behalf of them that I am talking and not on behalf of the rich landlords. Rich landlords do not have much difficulty. These poor people do not get even the 40 per cent that the Government have given. Now the Planning Commission talks of 25 per cent rent. And when the permanent legislation comes, this 25 per cent will be reduced to 15 per cent. I am quite sure of it. Now at least they get on paper 40 per cent according to the Government. Even that they do not get. On the thrashing floor they get thrashing.

These are some of the provisions which have to be looked into and justice done to all parties. I am not in favour of the one or the other. When the Government enact a legislation, they should see whether it is working properly. If there are any difficulties, the Act must be amended. Therefore, I would request the Hon. the Revenue Minister to call for reports from the District Collectors regarding the difficulties in the working of the Act. If there are real difficulties, as the papers befor show there are, Government should take steps to amend the provisions suitably. When enacting a legislation, it is not possible to envisage all possible situations and then enact the law. It is impossible to provide for all future contingencies in the Bill. But whenever occasions like this for extending the life of the Act arise, it is the duty of the Government to look into the difficulties in the working
4 00 p.m. of the Act by calling for reports from the district officers—they are the best authorities to judge as between the landlords and the tenants—and amend the Act suitably. Do justice to both—nothing in favour of the one or the other. I have not given notice of any amendment. But these are the legal difficulties which I wish to point out. The Hon. Minister himself would have readily conceded all this. Something must be done about the division of the yield at the thrashing floor itself. The Act never makes any provision if the yield is to be removed by the tenants from the thrashing floor before the division. Therefore, difficulties have arisen. Whenever there is the need to extend the life of the Acts, I would request the Hon. Minister to look into the matter and get details. He must get information from the Collectors. The Bill must be circulated to the Collectors, and they must be asked to say what are the difficulties experienced in the working of the Act. The courts have given decisions. The tenant is something like a trespasser. What will happen in that case? Is he the man who pays the rent or who takes the mesne profits? All these difficulties have arisen. I do not want to trouble the

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Hon. Minister with all this. But what I am anxious is that some kind of survey ought to be done. Even when the Government want to have a permanent legislation, it is better to have a survey made of all the difficulties experienced and then finally amend the Act so that we shall happily work those Acts. I am not arguing on principles. The principles have been settled, and we have far advanced. Let us work the Act and let us see that all the situations are fully met under the provisions of the Act.

THE HON. SRI M. A. MANICKAVELU : Sir, I heard a different tune in the other House from what I hear now (Sri K. Balasubramanya Ayyar : அது அப்படித்தான் இருக்கும்..) There the villain of the piece is the landholder. It is said, 'He does all sorts of things, causes hardship and commits atrocities.' These charges are heaped on him, and it is said that the Police also back him. That is the story there. Here it is said that instead of getting the grain by thrashing, the persons themselves are getting thrashed. There may be a few cases of that sort. There are bullying landholders also. There are dumb, quiet, lamb-like tenants also. There are also fighting tenants. In the case of the fighting sort of tenants, thrashing may happen. These are all stray cases. The bulk of the people manage and settle their affairs quietly without having any recourse to these Acts. Only when difficulties arise, we have to look into the Act. And, as was pointed out, there are loopholes and drawbacks also in the Act that have to be set right. My purpose is to get the extension till the Land Ceiling Bill is passed. After it is passed, we are contemplating a legislation on tenancy, when all these Acts will go. We have taken time for two years. I do not think this two year period will be necessary. Even before this, all the Tenants Acts have to be repealed. We have to consolidate the Tenancy Act . Already we are getting some information in the matter. We will get more information about the draw-backs in the working of the Act, and that will be useful when we frame the Bill on Tenancy.

MR. CHAIRMAN : The question is—

"That the Madras Cultivating Tenants Protection (Amendment) Bill, 1961 (L.A. Bill No. 30 of 1961), as passed by the Assembly, be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU : Sir, I move—

"That the Madras Cultivating Tenants Protection (Amendment) Bill, 1961 (L.A. Bill No. 30 of 1961), as passed by the Assembly, be passed".

MR. CHAIRMAN : The question is—

"That the Madras Cultivating Tenants Protection (Amendment) Bill, 1961 (L.A. Bill No. 30 of 1961), as passed by the Assembly, be passed."

The motion was put and carried and the Bill was passed.

(4) THE HOLDINGS (STAY OF EXECUTION PROCEEDINGS (MADRAS AMENDMENT BILL, 1961 (L.A. BILL NO. 24 OF 1961).

* THE HON. SRI M. A. MANICKAVELU : Sir, I move--

"That the Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill[a], 1961 (L.A. Bill No. 24 of 1961), as passed by the Assembly, be taken into consideration".

The Holdings (Stay of Execution Proceedings) Act, 1950 (Travancore-Cochin Act VIII of 1950) provides for the stay of proceedings in execution of a decree in a suit for the recovery of possession of a holding, so far as they relate to the delivery of possession of the holding.

The Act was in force in the Kanyakumari district and Shencottah taluk at the time of their transfer to this State from the former Travancore-Cochin State in 1956. Consequent on the extension to the Shencottah taluk of the Cultivating Tenants Protection and Fair Rent Acts by the Madras Act 28 of 1959, with effect from 2nd March 1960, the Holdings (Stay of Execution Proceedings) Act ceased to be in force in that taluk. It is now in force only in the Kanyakumari district.

The life of the Holdings (Stay of Execution Proceedings) Act, 1950, in its application to the Kanyakumari district is due to expire on the 24th September, 1961. Pending a decision on the policy to be adopted with regard to the land tenure systems prevalent in that district, it has been decided to extend the life of the Act by two years from the 25th September 1961.

The extension is sought for till the time that we have a Bill dealing with the peculiar land tenure systems there. The Travancore-Cochin Act has given this protection, that is, the possession of the holding will not be disturbed. It is not a question of safeguarding the decree or suit. Here the possession should not be disturbed. So, whoever has been in possession should not be disturbed. So, till we finally bring in legislation in this matter, whoever is in possession will not be disturbed. It is only this protection that is given in the Bill. This Bill is brought forward now because some more time will be taken to introduce legislation in the Kanyakumari District.

Sir, I request the House to accept the motion.

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[a] Printed as Appendix VI on page 336 infra.